**INFORMATION DISCLOSURE STATEMENT**

App. No. : 10/062,859
Applicants : Mohamed K. Diab et al.
Filed : January 30, 2002
TC/A.U. : 3736
Examiner : Eric F. Winakur

Title : **SIGNAL PROCESSING
APPARATUS**

Docket No. : MASIMO.7CP1C9
Customer No. : 20,995

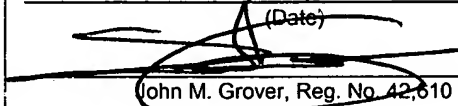
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Certificate Of Mailing

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May 10, 2005

(Date)


John M. Grover, Reg. No. 42,610

SUBMISSION OF INFORMATION FROM RELATED LITIGATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is an Information Disclosure Statement by Applicant (PTO/SB/08 equivalent) listing 260 references. Various references are U.S. Patent references or references of record in one or more patent applications relied upon for an earlier filing date under 35 U.S.C. § 120. Accordingly, copies of those references are not submitted pursuant to 37 C.F.R. § 1.98(d).

EXPLANATION OF SUBMITTED DOCUMENTS

In accordance to M.P.E.P. § 2001.06(c), the references identified herewith correspond to the **existence of litigation** and other information arising from litigation. For example, the references correspond to one or more of three U.S. District Court cases (and when applicable, their appeals to the Federal Circuit) involving one or more patents relied upon in the present application's priority claim under § 120. In the **first** case, Masimo Corp. sued Mallinckrodt, Inc. and Nellcor Puritan Bennett, Inc. ("Nellcor")

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for infringement of U.S. Pat. No. 5,490,505, and eventually U.S. Pat. No. 6,036,642. Part of the first case was decided on Summary Judgment, which was upheld on appeal by the Federal Circuit. In the second case, Nellcor sued Masimo and Masimo eventually counterclaimed infringement of U.S. Pat. No. 5,769,785. In the third case, Masimo sued Nellcor for infringement of U.S. Patent Nos. 6,206,830 and 6,157,850, and eventually U.S. Pat. No. 6,263,222. The cases were consolidated and tried before a jury during a 4-5 week trial in February/March 2004. After a jury verdict, the District Court entered judgment on the jury verdict holding the Masimo patents infringed, that the infringement was willful, that the claims of the Masimo patents are not invalid for anticipation, obviousness, lack of enablement, or lack of written description support, and the District Court awarded damages. Thereafter, each party submitted briefs for Judgment as a Matter of Law (JMOL). The District Court ruled on the JMOL motions that the '785 patent was not infringed, that there was no willful infringement, and that the '830 patent was unenforceable for failure to submit litigation materials from the first case. The District Court left the damages undisturbed. Eventually, each party submitted appeal briefs to the Federal Circuit. The Federal Circuit appeal is currently pending.

The first three references listed under "NON PATENT LITERATURE DOCUMENTS" on the enclosed Form PTO/SB/08 Equivalent, each correspond to a docket sheet for one of three District Court cases. While the present submission does not include every document referenced on the three docket sheets or referenced by a document on the three docket sheets, the Applicants will supply any non-submitted document upon specific Examiner request, and where relevant, upon obtaining appropriate permission under the various protective orders governing the cases.

To assist the Examiner in his review of the present submission, the non U.S. Patent references are organized as follows.

<u>Type of Document</u>	<u>PTO/SB/08 Ref. No.</u>
I. International Publications.....	40-45
II. Docket Sheets	46-48
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CONFIDENTIALITY AND PROTECTIVE ORDERS


Although many of the documents contain markings of "Confidentiality" or "Attorneys' Eyes Only" under various protective orders governing the cases, each of the documents herein are part of the public trial record, part of public trial exhibits, or part of joint appendices agreed by the parties to be public. Accordingly, none of the documents included herewith are considered confidential.

TIMING AND CONCLUSION

This Information Disclosure Statement is being filed with an RCE and no fee is required. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 10, 2005

By: 
John M. Grover
Registration No. 42,610
Attorney of Record
Customer No. 20,995
(949) 760-0404



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Multiple sheets used when necessary)	Application No.	10/062,859
	Filing Date	January 30, 2002
	First Named Inventor	Mohamed K. Diab et al.
	Art Unit	3736
SHEET 1 OF 14	Examiner	Eric F. Winakur
	Attorney Docket No.	MASIMO.7CP1C9

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	Re. 35,122	12/19/1995	Corenman et al.	
	2	3,638,640	02/01/1992	Shaw	
	3	4,038,536	07/26/1977	Feintuch	
	4	4,157,708	06/12/1979	Imura	
	5	4,458,691	07/10/1984	Netravali	
	6	4,537,200	08/27/1995	Widrow	
	7	4,582,068	04/15/1986	Phillipps et al.	
	8	B1 4,653,498	04/18/1989	New, Jr. et al.	
	9	4,653,498	03/31/1987	New, Jr. et al.	
	10	4,667,680	05/26/1987	Ellis	
	11	4,714,341	12/22/1987	Hamaguri et al.	
	12	4,751,931	06/21/1988	Briller et al.	
	13	4,793,361	12/27/1988	DuFault	
	14	4,799,486	01/24/1989	DuFault	
	15	4,799,493	01/24/1989	DuFault	
	16	4,800,885	01/31/1989	Johnson	
	17	4,802,486	02/07/1989	Goodman et al.	
	18	4,863,265	09/05/1989	Flower et al.	
	19	4,867,571	09/19/1989	Frick et al.	
	20	4,869,254	09/26/1989	Stone et al.	
	21	4,883,353	11/28/1989	Hausman et al.	
	22	4,911,167	03/27/1990	Corenman et al.	
	23	4,928,692	05/29/1990	Goodman et al.	
	24	4,934,372	6/19/1990	Corenman et al.	
	25	4,949,710	08/21/1990	Dorsett et al.	
	26	4,951,680	08/28/1990	Kirk et al.	
	27	4,955,379	09/11/1990	Hall	
	28	4,960,126	10/02/1990	Conlon et al.	
	29	4,967,571	11/06/1960	Sporri	

Examiner Signature	Date Considered
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	Art Unit	3736
(Multiple sheets used when necessary)	Examiner	Eric F. Winakur
SHEET 2 OF 14	Attorney Docket No.	MASIMO.7CP1C9

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	5,036,857	08/06/1991	Semmlow et al.	
	31	5,040,201	08/13/1991	Slump	
	32	5,041,187	08/20/1991	Hink et al.	
	33	5,054,495	10/08/1991	Uemura et al.	
	34	5,243,993	09/14/1993	Alexander et al.	
	35	5,379,774	01/10/1995	Nishimura et al.	
	36	5,494,032	02/27/1996	Robinson et al.	
	37	5,853,364	12/29/1998	Baker, Jr. et al.	
	38	6,083,172	07/04/2000	Baker, Jr. et al.	
	39	6,411,833 B1	06/25/2002	Baker, Jr. et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	40	EP 0 359 206 B1	03/29/1995	Kanda		
	41	JP-A-63-171539	07/15/1988	(In Japanese)		
	42	WO 92/15955	09/17/1992	Diab et al.		
	43	WO 97/00041	01/03/1997	Yorkey		
	44	WO 98/42249	10/01/1998	Baker et al.		
	45	WO 98/43071	10/01/1998	Baker et al.		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	46	U.S. District Court, Central District of California (Western Division - Los Angeles) Civil Docket for Case #: 2:00-cv-06506-MRP-AJW.	
	47	U.S. District Court, Central District of California (Western Division - Los Angeles) Civil Docket for Case #: 2:01-cv-07292-MRP-AJW.	
	48	U.S. District Court, Central District of California (Western Division - Los Angeles) Civil Docket for Case #: 2:01-cv-07293-MRP-AJW.	
	49	Complaint for Patent Infringement of US. Patent Nos. 6,206,830 B1 and 6,157,850; Demand for Jury Trial, dated 7/6/01.	

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SHEET 3 OF 14	Attorney Docket No.	MASIMO.7CP1C9

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	50	First Amended Complaint for Patent Infringement of U.S. Patent Nos. 6,206,830 B1, 6,157,850 and 6,263,222 B1; Demand for Jury Trial, dated 7/18/01.	
	51	Nellcor's and Mallinckrodt's Answer to First Amended Complaint, dated 8/20/01.	
	52	Nellcor's and Mallinckrodt's Amended and Supplemental Answer and Counterclaims to Masimo Corporation's First Amended Complaint in Case No. CV-01-7292 MRP (AJWx), dated 5/31/02.	
	53	Masimo's Reply to Nellcor's and Mallinckrodt's Amended and Supplemental Answer and Counterclaims to Masimo's First Amended Complaint in Case No. CV-01-7292 MRP (AJWx), dated 8/27/02.	
	54	Complaint for Patent Infringement of US. Patent Nos. 4,653,498, 5,078,136 and Re. 36,000, dated 11/17/99.	
	55	Defendant Masimo Corp.'s Answer and Counterclaims, dated 12/8/99.	
	56	Mallinckrodt's and Nellcor's Reply to Counterclaims of Masimo; Demand for Jury Trial, dated 12/28/99.	
	57	Mallinckrodt's and Nellcor's Amendment Complaint for Patent Infringement of U.S. Patent Nos. 4,653,498, 5,078,136, Re. 35,122 and Re. 36,000; Demand for Jury Trial, dated 1/24/00.	
	58	Defendant Masimo Corp.'s Amended Answer and Counterclaims, dated 2/7/00.	
	59	Nellcor's Reply to Amended Counterclaims of Masimo Corporation, dated 2/22/00.	
	60	Mallinckrodt's and Nellcor's Second Amended Complaint for Patent Infringement of U.S. Patent Nos. 4,621,643, 4,653,498, 4,700,708, 5,078,247, Re. 35,122 and Re. 36,000; Demand for Jury Trial, dated 10/13/00.	
	61	Masimo Corp.'s Answer to Plaintiffs' Second Amended Complaint and Counterclaims; Demand for Jury Trial, dated 11/2/00.	
	62	Mallinckrodt Inc.'s and Nellcor Puritan Bennett, Inc.'s Reply to Counterclaims of Masimo Corporation; Demand for Jury Trial, dated 12/1/00.	
	63	Nellcor's and Mallinckrodt's First Amended and Supplemental Reply and Counterclaims to Counterclaims of Masimo Corporation, dated 5/31/02.	
	64	Masimo's Reply to Nellcor's and Mallinckrodt's First Amended and Supplemental Reply and Counterclaims to Counterclaims of Masimo, dated 8/27/02.	
	65	Nellcor's Third Amended Complaint for Patent Infringement of U.S. Patent Nos. 4,621,643, 4,653,498, 4,700,708, 5,078,136, 5,807,247 and Re. 36,000; Demand for Jury Trial, dated 7/31/02.	
	66	Masimo's Answer to Counterclaims to Nellcor's Third Amended Complaint for Patent Infringement; Demand for Jury Trial, dated 8/27/02.	
	67	Complaint for Patent Infringement of U.S. Patent No. 5,490,505; Demand for Jury Trial, dated 10/8/99, entered 10/15/99.	

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	68	Mallinckrodt's and Nellcor's Answer and Counterclaims, dated 11/1/99.	
	69	Plaintiff's Masimo Corp.'s Reply to Defendants' Counterclaims, dated 11/22/99.	
	70	Amended Complaint for Patent Infringement of U.S. Patent Nos. 5,490,505 and 6,036,642; Demand for Jury Trial, dated 4/5/00, entered 4/18/00.	
	71	Answer to First Amended Complaint and Amended Counterclaim; Demand for Jury Trial, dated 5/1/00.	
	72	Plaintiff Masimo Corp.'s Reply to Defendants' First Amended Counterclaims; Demand for Jury Trial, dated 5/18/00.	
	73	Nellcor's and Mallinckrodt's Amended and Supplemental Answer to Counterclaims to Masimo Corporation's First Amended Complaint in Case No. CV-01-7293-MRP (AJWx), dated 5/31/02.	
	74	Masimo's Reply to Nellcor's and Mallinckrodt's Amended and Supplemental Answer and Counterclaims to Masimo's First Amended Complaint in Case No. -01-7293 MRP (AJWx), dated 8/27/02.	
	75	Memorandum of Decision re: Mallinckrodt and Nellcor's Motion for Summary Judgement of Invalidity of Claim 19 of U.S. Patent No. 5,490,505.	
	76	Minute Order 1) Granting Defendants' Motion for Summary Judgment of Non-Infringement of '642 Patent; 2) Denying Plaintiff's Motion for Preliminary Injunction; 3) Granting Plaintiff's Ex Parte Application to Strike Defendants' Supplemental Declaration, dated 10/4/00, entered 10/6/00.	
	77	Defendant's Mallinckrodt's and Nellcor's Statement of Uncontroverted Facts and Conclusions of Law.	
	78	Findings of Fact and Conclusions of Law Regarding Masimo's Motion for Preliminary Injunction.	
	79	Judgement in <i>Masimo Corp. v. Mallinckrodt Inc.</i> , Court of Appeals for the Federal Circuit No. 01-1038, dated 8/8/01, entered 10/17/01.	
	80	Memorandum of Decision and Order Re: 1) Claim Construction; 2) Motion to Strike Masimo's Declarations, entered 2/27/03.	
	81	Final Judgment, entered 8/6/04.	
	82	Memorandum of Decision and Order Re: Post-Trial Motions, dated 7/12/04, entered 7/14/04.	
	83	Memorandum and Points and Authorities in Support of Mallinckrodt's and Nellcor's Motion for Summary Judgment of Invalidity of Claim 19 of U.S. Patent No. 5,490,505, dated 8/30/00.	
	84	Masimo's Opposition to Defendants' Motion for Summary Judgment for Summary Judgment of Invalidity of Claim 19 of U.S. Patent No. 5,490,505, dated 9/21/00.	
	85	Reply Memorandum and Points and Authorities in Support of Mallinckrodt's and Nellcor's Motion for Summary Judgment of Invalidity of U.S. Patent No. 5,490,505, dated 10/13/00.	

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SHEET 5 OF 14	Attorney Docket No.	MASIMO.7CP1C9

NON PATENT LITERATURE DOCUMENTS

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	86	Brief of Plaintiff-Appellant Masimo Corporation, dated 12/8/00.	
	87	Non-Confidential Brief of Defendants-Cross Appellants Mallinckrodt inc and Nellcor Puritan Bennett, Inc., dated 1/22/01.	
	88	Nonconfidential Reply Brief of Plaintiff-Appellant Masimo Corporation, dated 2/6/01.	
	89	Masimo Corp.'s Initial Claim Construction on Its Asserted Patents, dated 6/21/02.	
	90	Declaration of Jack Goldberg in Support of Masimo Corp.'s Initial Claim Construction on Its Asserted Patents, dated 6/21/02.	
	91	Notice of Errata and Corrected Appendices for Mallinckrodt's and Nellcor's Statement Regarding Disputed Claim Terms of the Asserted Patents, dated 9/12/02 (Final Version).	
	92	Expert Declaration of Robert T. Stone Re: Masimo's Patent-In-Suit, dated 7/18/02.	
	93	Masimo Corp.'s Opening Memorandum of Claim Construction, dated 9/16/02.	
	94	Nellcor's and Mallinckrodt's Opening Claim Construction Brief on the Patent-In-Suit, dated 9/16/02.	
	95	Masimo Corp.'s Reply Memorandum on Claim Construction, dated 10/18/02.	
	96	Nellcor's and Mallinckrodt's Reply Claim Construction Brief on the Patents-In-Suit, dated 10/18/02.	
	97	Nellcor's Trial Brief on Indefiniteness, dated 3/23/04.	
	98	Masimo's Trial Brief of Indefiniteness, dated 3/24/04.	
	99	Nellcor's Trial Brief re Inequitable Conduct, dated 3/23/04.	
	100	Masimo's Trial Brief regarding Inequitable Conduct, dated 3/24/04.	
	101	Nellcor's Memorandum of Points and Authorities in Support of: (1) Argument on Bench Trial and (2) Renewed Motion for Judgment as a Matter of Law or Alternatively, a New Trial.	
	102	Masimo's Memorandum of Points and Authorities in Opposition to Nellcor's (1) Argument on Bench Trial and (2) Renewed Motion for Judgment as a Matter of Law or for a New Trial.	
	103	Memorandum of Points and Authorities in Support of Masimo's Motion for (1) Judgment as a Matter of Law that Nellcor Literally Infringes Claim 17 of the '850 Patent and Claims 16 and 23 of the '222 Patent; (2) A Permanent Injunction; (3) An Accounting for Infringing Sales Occurring in 2004; and (4) Prejudgment Interest.	

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	104	Nellcor's Opposition to Masimo's Motion for Judgment as a Matter of Law and Other Post-Trial Issues.	
	105	Brief of Defendant-Appellant Masimo Corporation.	
	106	Confidential Brief of Plaintiffs-Cross Appellants Mallinckrodt, inc. and Nellcor Puritan Bennett, Inc.	
	107	Letter to Mr. Hornbaly, Clerk of Fed. Cir., indicating that the parties agreed that the Confidential Brief (Ref. No. 106) do not need to remain confidential.	
	108	Reply Brief of Defendant-Appellant Masimo Corporation.	
	109	Reply Brief of Plaintiffs-Cross Appellants Mallinckrodt, Inc. and Nellcor Puritan Bennett, Inc.	
	110	Supplemental Response to Plaintiff Masimo's First Set of Interrogatories to Defendant Mallinckrodt, Inc. Pursuant to Fed.R.Civ.P. 26(e), dated 6/26/00.	
	111	Nellcor's Response to Masimo's First Set of Interrogatories in the Consolidated Case to Mallinckrodt Inc. and Nellcor Puritan Bennett, Inc. (Nos. 1-8), dated 8/23/02.	
	112	Nellcor's Supplemental Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 6/24/03.	
	113	Nellcor's Revised and Corrected Supplemental Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 6/25/03.	
	114	Nellcor's Second Supplemental Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 7/14/03.	
	115	Addendum to Nellcor's Second Supplemental Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 7/15/03.	
	116	Second Addendum to Nellcor's Second Supplemental Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 8/10/03.	
	117	Third Addendum to Nellcor's Second Supplemental Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 8/13/03.	
	118	Nellcor's October 13, 2003 Supplemental and Revised Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 10/13/03.	
	119	Service Manual: Nellcor -100 Pulse Oximeter, 5 button model, Copyright 1993.	
	120	J. Corenman Computation Notebook, marked 06/23/82 - 06/22/83.	
	121	B. Widrow & S. Stearns, "Adaptive Signal Processing," Prentice-Hall, Copyright 1985.	
	122	N-100 Source Code, Copyright 1983-86.	

Examiner Signature	Date Considered
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	123	N-100, Source Code, Copyright 1976-87.	
	124	"Welcome to the World of Nellcor Pulse Oximetry," Nellcor brochure, in 16 pages, undated.	
	125	"Oximax, Sensor Conversion Step," Nellcor brochure, copyright 1997.	
	126	"Motion-tolerant SpO ₂ ," Philips brochure, undated.	
	127	"Introducing New Hand-Held Digital Pulse Oximeter and Sensor with Patented Technologies," Philips, printed from internet site "http://www.oximetersonline.com", 1 page.	
	128	"Novamatrix Announces FDA Clearance of New Pulse Oximeter," 2-Mar-2000 Press release in 2 pages.	
	129	"Detax-Ohmeda Announces New Products at the American Society of Anesthesiologist, New Orleans," downloaded from internet in 3 pages.	
	130	"OSI Systems Announces FDA 510k Approval of First All Digital Pulse Oximeter Monitor," showing date of 4/23/01 in 2 pages.	
	131	Alaris Medical Systems, "Summary of Safety and Effectiveness" in 3 pages.	
	132	Letter to Alaris Medical Systems from Dept. of Health & Human Services, showing date of 9/11/02 in 3 pages.	
	133	BCI 510(k) FDA Submission 2000-2002.	
	134	Datex-Ohmeda 510(k) FDA Submission 2000-2002.	
	135	Dolphin 510(k) FDA Submission 2002.	
	136	Fukuda Denshi 510(k) FDA Submission 2001.	
	137	Nellcor Puritan Bennett 510(k) FDA Submission 1999-2002.	
	138	Nonin Medical 510(k) FDA Submission 2000.	
	139	OSI Medical 510(k) FDA Submission 2001.	
	140	Siemens Medical 510(k) FDA Submissions 2002.	
	141	SIMS BCI, Inc. 510(k) FDA Submissions 2001.	

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	Art Unit	3736
(Multiple sheets used when necessary)	Examiner	Eric F. Winakur
SHEET 8 OF 14	Attorney Docket No.	MASIMO.7CP1C9

NON PATENT LITERATURE DOCUMENTS

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	142	"Nellcor's Next Great Move Undated, Pulse Oximetry with ECG Synchronization . . . for Reduced Artifact," undated."	
	143	Operator's Manual, Nellcor N-200 Pulse Oximeter, Copyright 1987.	
	144	C. Baker; "Design Summary and Evaluation of Saturation Arbitrator," undated.	
	145	C. Baker & T. Yorkey, "Two Wavelength Saturation Algorithms," dated 09/14/94.	
	146	N-200 Oximeter Summary Sheets, Design History Records, dated 07/87-10/87.	
	147	PcSat Source Code.	
	148	Nellcor engineering order #1104 re N-100 C/D program assy, listing a date of 03/03/86.	
	149	Arye Nehorai, "A Minimal Parameter Adaptive Notch Filter With Constrained Poles and Zeros," IEEE Transactions on Acoustics, Speech and Signal Processing, Vol. ASSP-22 No. 4, August 1985.	
	150	Nehorai, Arye, "Adaptive Comb Filtering for Harmonic Signal Enhancement," IEEE Transaction of Acoustics, Speech and Signal Processing, October 1986.	
	151	Hendry, S.D., "Computation of Harmonic Comb Filter Weights," IEEE Transactions on Signal Processing, April 1993.	
	152	C. Baker & T. Yorkey, "O4 Summary" Nellcor, listing a date of 08/05/94.	
	153	M. Jopling, P. Mannheimer & D. Bebout; "Issues In The Laboratory Evaluation Of Pulse Oximeter Performance"; Anesthesia & Analgesia, Vol. 94, Copyright 2001.	
	154	Nellcor Engineering Order, listing date of 03/15/89.	
	155	Nellcor's Sales & Shipment Records 3/89 to 3/90.	
	156	C. Baker and T. Yorkey, "O4 Two Wavelength Saturation Algorithms," listing date of 09/14/94.	
	157	Declaration of Clark R. Baker, dated 08/15/00.	
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	159	P. Mannheimer and D. Bebout, "A Critical Review of Motion in Pulse Oximetry," undated.	
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	161	R. Brown and P. Hwang, "Introduction to Random Signals and Applied Kalman Filtering," 2nd Ed., John Wiley & Sons, Inc., New York, Copyright 1992.	
	162	IEEE 100, "The Authoritative Dictionary of IEEE Standards Terms," 7th ed., IEEE Press Publications, Copyright 2000.	
	163	Haykin, S., "Adaptive Filter Theory," 1st ed., Prentice-Hall, Inc., 1986.	
	164	Haykin, S., "Adaptive Filter Theory," 2d ed., Prentice-Hall, Inc., 1991.	
	165	Clark R. Baker and Thomas J. Yorkey, "Calculation of Pulse Rate in Pulse Oximetry," dated 10/4/93.	
	166	Clark R. Baker and Thomas J. Yorkey, "A Proposal for PostProcessing and Display for O4 Saturation and Pulse-Rate Algorithms," dated 10/4/93.	
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	168	Corresponding Source Code.	
	169	Pulse Oximetry The Next Generation, dated 12/07/92.	
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	171	"Safety Monitoring in the Regular Inpatient Care Area – National Sales Meeting," listing date of 1992.	
	172	Swedlow, "Pulse Oximetry," undated.	
	173	Five Generations of Nellcor Oximetry, undated.	
	174	Letter from T. Ulatowski (FDA) to G. To (Nellcor Puritan Bennett, Inc.) with Nellcor 510(K) enclosures, dated 09/24/02.	
	175	"Technology Development Projects," December 1991.	
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	177	Yorky, T., "Signal Processing Technology Development Projects - Fall 92," listing date of 11/05/92.	
	178	Yorky, T., "Multiple Time Samples in Pulse Oximetry," listing date of 10/14/92.	
	179	"Potential Areas for New Technology Development – Nellcor –1992," listing date of 09/01/92.	

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	180	Source Code.	
	181	Carleton, Penny M., et al. "Assessment of Effectiveness of Flexible Monitoring System for Non-ICU Transitional Patients, 1998.	
	182	M. Jopling, P. Mannheimer & D. Bebout, "Issues in the Laboratory Evaluation of Pulse Oximeter Performance," STA-ISLAPO Meeting Supplement, pp. S62-S68, Copyright 2001.	
	183	N-595 Combined motion and low perfusion study, undated.	
	184	Memo from C. Baker to T. Yorkey re: "Pulse Oximetry Next Generation (PONG)," dated 12/07/92.	
	185	T. Yorkey Computation Book, listing dates of 03/12/93 – 11/05/94.	
	186	Sayed et al., "A State-Space Approach To Adaptive RLS Filtering," IEEE Signal Processing Magazine, July 1994.	
	187	Nellcor brochure for N-395 Pulse Oximeter with Oxismart XL and SatSeconds, undated.	
	188	N-395 Pulse Oximeter Brochure, undated.	
	189	OxiMax N595 Pulse Oximeter Service Manual, undated.	
	190	O4 Software 1994 Technology Devel. Dept., listing date of 10/4/94.	
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	193	OEM 601 Module-Dolphin ONE Products, undated.	
	194	Dolphin Medical Integration Manual, OEM-601 Module, listing date of 12/16/02.	
	195	Datex - Ohmeda News Flash - TruTrak+ technology provides improved SpO2 readings during clinical patient motion, dated 10/16/02.	
	196	Novamatrix Pulse Oximetry Program; Presented to Sisters of St. Joseph of Orange, undated.	
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	199	"CMS 2002 Acute Care Patient Monitoring System," Philips, undated.	
	200	Viridia CMS 2000 Product Information, Agilent, New SpO2 Algorithm, undated.	
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	202	510(k) Notification; Infinity MicroO2 + Pulse Oximeter, dated 7/23/02.	
	203	Tremper KK, Barker SJ., "Pulse Oximetry," Anesthesiology 1989:70:98-108.	
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	206	Baker, O4 Software Technology Development Department, listing date of 1994.	
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	208	Alan S. Willsky, "Digital Signal Processing and Control and Estimation Theory: Points of Tangency, Areas of Intersection, and Parallel Directions," dated 1979.	
	209	Nellcor Requirements, Marketing Product, MP 404, listing date of 08/22/95.	
	210	Flexible Monitoring Clinical Environment, listing date of 1992.	
	211	Trial Transcript in <i>Masimo Corporation v. Mallinckrodt, Inc., et al</i> , CV 99-1245-AHS, 9/25/00 (Pgs 1-50).	
	212	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 2/18/04 (Pgs 1-111).	
	213	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 2/19/04 (Pgs 112-235).	
	214	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 2/20/04 (Pgs 237-320).	
	215	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 2/23/04 (Pgs 427-625).	
	216	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 2/24/04 (Pgs 626-806).	
	217	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 2/25/04 (Pgs 807-902).	

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	218	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 2/26/04 (Pgs 943-1128).	
	219	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 2/27/04 (Pgs 1214-1281).	
	220	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 3/1/04 (Pgs 1282-1469).	
	221	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 3/2/04 (Pgs 1470-1617).	
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	228	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 3/11/04 (Pgs 2664-2801).	
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	233	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 3/19/04 (Pgs 3417-3515).	
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	237	Trial Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 3/25/04 (Pgs 3984-4054).	
	238	Hearing Transcript in <i>Mallinckrodt, Inc., et al v. Masimo Corporation</i> , CV 00-6506 MRP, 12/16/02-12/17/02.	
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	242	Yelderman, M., et al. "ECG Enhancement by Adaptive Cancellation of Electrosurgical Interference," IEEE Transactions on Biomedical Engineering," Vol. BME-30 No. 7, July 1983.	
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	254	M. Ogino, "The Advantages of a New Technology Pulse Oximeter in Neonatal Care," Neonatal Intensive Care, 2002 Abstract No. 36.	
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	256	Chapter 6: The LMS Algorithm, Adaptive Algorithms and Structure Part III, undated.	
	257	"Nellcor N-200 Leads Beyond Pulse Oximetry," undated.	
	258	Operator's Manual - Nellcor N-200 Pulse Oximeter; 1992.	
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